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7 UNITED STATES DISTRICT COURT
8 DISTRICT OF NEVADA

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10 MARVIN MOSBY, Case No. 3:14-cv-00171-MMD-VPC
11 v. Petitioner,
12 RENEE BAKER, et al., ORDER
13 Respondents.
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16 This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28
17 U.S.C. § 2254, by a Nevada state prisoner. Neither a filing fee nor an application to
18 proceed *in forma pauperis* was submitted with the petition. Petitioner must either submit
19 the \$5.00 filing fee for habeas petitions or an application to proceed *in forma pauperis*.

20 Due to the lack of an *in forma pauperis* application or filing fee, the present action
21 will be dismissed without prejudice to the filing of a new petition in a new action with a
22 pauper application with all required attachments. It does not appear from the papers
23 presented that a dismissal without prejudice would result in a promptly-filed new petition
24 being untimely. In this regard, plaintiff at all times remains responsible for calculating the
25 running of the limitations period as applied to his case and properly commencing a
26 timely-filed habeas corpus action.

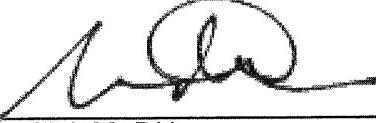
27 It therefore is ordered that this action is dismissed without prejudice to the filing
28 of a new petition in a new action.

1 It is further ordered that the Clerk of the Court shall send petitioner two (2) copies
2 of an *in forma pauperis* application form for a prisoner, one (1) copy of the instructions
3 for the same, two (2) copies of a blank 28 U.S.C. § 2254 habeas petition form, and one
4 (1) copy of instructions for the same.

5 It is further ordered that petitioner may file a new petition in a new action, but he
6 may not file further documents in this action.

7 It is further ordered that the Clerk of the Court shall enter judgment accordingly.

8 DATED THIS 14th day of April 2014.

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11 MIRANDA M. DU
12 UNITED STATES DISTRICT JUDGE
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